

# EXHIBIT 5

## **COLOMBIA 2014 HUMAN RIGHTS REPORT**

### **EXECUTIVE SUMMARY**

Colombia is a constitutional, multi-party republic. On June 15, voters re-elected Juan Manuel Santos president in elections that observers considered free and fair. Authorities generally maintained effective control over security forces.

The most serious human rights problems were impunity, an inefficient judiciary, forced displacement, corruption, and societal discrimination. An inefficient justice system subject to intimidation limited the state's ability to prosecute effectively individuals accused of human rights abuses, including former members of paramilitary groups. The availability of drug-trafficking revenue often exacerbated corruption. Societal discrimination against indigenous persons and Afro-Colombians at times restricted the ability of these groups to exercise their rights.

Other problems included extrajudicial and unlawful killings; slow pace of investigations, trials, and indictments in cases related to extrajudicial killings; insubordinate military collaboration with members of illegal armed groups; forced disappearances; overcrowded and insecure prisons; harassment of human rights groups and activists, including death threats; violence against women and girls; trafficking in persons; and illegal child labor.

The government continued efforts to prosecute and punish perpetrators, including members of the security services, who committed abuses. It increased resources for the Attorney General's Office, prioritized human rights cases, and employed a new contextual analysis strategy to analyze human rights and other cases. Nonetheless, a high rate of impunity persisted.

Illegal armed groups--including the terrorist organizations Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), as well as organized crime groups (some of which contained some former paramilitary members)--committed numerous abuses, including the following: political killings; killings of members of the public security forces and local officials; widespread use of land mines and improvised explosive devices (IEDs); kidnappings and forced disappearances; sexual and gender-based violence; subornation and intimidation of judges, prosecutors, and witnesses; infringement on citizens' privacy rights; restrictions on freedom of movement; widespread recruitment and use of child soldiers; attacks against human rights activists; and killings, harassment, and intimidation of teachers and trade unionists. Illegal

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who, in July 2013, allegedly tortured civilians Jose Fernando Ulloa and Manuel Eduardo Ulloa during questioning inside the police station. The case initially had been assigned to the military and police justice system. The Inspector General's Office reported that a disciplinary investigation into the case was in an initial stage at the end of August.

According to the national police, residents of Buenaventura filed complaints of more than 10 cases of torture and homicide allegedly committed by the police between January and March, against the backdrop of the turf battles in which criminal organizations in the city allegedly tortured and chopped up members of rival groups.

Through July the Attorney General's Office charged 86 members of the security forces (23 police and 63 military members) with torture; most of the cases occurred prior to 2014. The Attorney General's Office reported one conviction of three members of the armed forces and no convictions of members of illegal armed groups in cases of torture through July 31.

CINEP reported criminal bands were responsible for at least four documented cases of torture through June. In six other documented cases, CINEP was not able to identify the party responsible for the abuses.

The Attorney General's Office in Villavicencio continued its investigation into the 2012 torture and killing of peasant leader Victor Manuel Hilarion Palacios, which was allegedly committed by army soldiers. As of August the investigation remained in the preliminary stage. The Inspector General's Office also continued a disciplinary investigation into the matter.

**Prison and Detention Center Conditions**

With the exception of new facilities, prisons and detention centers were overcrowded, lacked reasonable sanitation, and provided poor health care and nutrition to detainees. Poor training of officials remained a problem throughout the prison system.

Physical Conditions: The municipal, district, and departmental jails nationwide had a designed capacity of 2,961 inmates and as of August 31, a detained population of 2,341 individuals. The national prisons had a designed capacity of 76,553 individuals but were 53 percent over capacity; as of August 31, there were 116,873 prisoners and detainees--108,626 men and 8,247 women. Overcrowding

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existed in men's as well as women's prisons. During the year the government worked to provide staff gynecologists at women's prisons. As of August 1, there were gynecologists on the medical staff of women's prisons in Bogota, Ibague, and Jamundi, and inmates at prisons elsewhere in the country were granted access to outside gynecologists who were contracted and brought in as needed. As of August 1, only women's prisons in Bogota, Ibague, and Jamundi had pediatrician staff. Children staying with their parents at detention facilities where pediatricians were not on staff could access outside pediatric health care via authorization and approved transfer to another facility. INPEC operates the national prisons and oversees the jails.

The law prohibits holding pretrial detainees with convicted prisoners, although this sometimes occurred. Authorities did not hold juvenile detainees and prisoners with adults but permitted children younger than three years of age to stay in prisons with their mothers. As of September INPEC registered 95 children living with their incarcerated mothers.

In late August approximately 90 persons who were under temporary detention status at a judicial facility in northwest Bogota were relocated to a public park and handcuffed to fences because the detention facility stated it had no room for additional inmates. The government solved the problem within 48 hours by requesting the judicial authorities transfer these persons to national prisons located in different parts of the country where spaces were available.

The Inspector General's Office continued to investigate allegations that some prison guards routinely used excessive force and treated inmates brutally. It reported that through August it conducted four investigations but reached no disciplinary verdicts. According to NGOs who worked with the prison community, there were numerous allegations of sexual violence and physical violence committed by guards and other inmates.

Many prisoners continued to face difficulties receiving adequate medical care. Nutrition and water quality were deficient and contributed to the overall poor health of many inmates. Inmates claimed that water was routinely rationed in many facilities. INPEC's declared state of emergency in the country's prisons due to overcrowding, problems with infrastructure, and poor sanitary conditions that threatened the health of the inmate population continued throughout the year.

INPEC's physical structures were in generally poor repair. The Inspector General's Office noted some facilities had poor ventilation and overtaxed sanitary

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systems. Prisoners in some high-altitude facilities complained of inadequate blankets and clothing, while prisoners in tropical facilities complained overcrowding and insufficient ventilation contributed to high temperatures in prison cells. Some prisoners slept without mattresses on floors, while others shared cots in overcrowded cells.

Administration: INPEC used a centrally managed electronic database with regular updates, and each prison also had its own local database. Foreign diplomatic observers, however, found that the information in both systems often was not well coordinated, resulting in delays in locating foreign detainees, especially dual nationals who had Colombian citizenship in addition to foreign citizenship. Authorities regularly used alternative sentencing such as house arrest for nonviolent offenders to alleviate overcrowding.

Authorities permitted prisoners to exercise their religious observances. Some vegetarian and Muslim inmates reported difficulty receiving meals according to their needs. Prisoners had reasonable access to visitors and generally could submit complaints to judicial authorities and request investigations of inhuman conditions. Prisoners also were able to request that third parties from local NGOs or government entities, such as the Ombudsman's Office, represent them in legal matters and aid them in seeking an investigation of prison conditions. Although authorities investigated complaints, including complaints of prison guards soliciting bribes from inmates, some prisoners asserted the investigations were slow and the results not accessible to the public.

Independent Monitoring: The government permitted independent monitoring of prison conditions by local and international human rights groups who generally exercised a high degree of independence. INPEC required a three-day notice before granting consular access. Some NGOs complained that authorities, without adequate explanation, denied them access to visit prisoners.

Improvements: During the year Congress passed law 1709, proposed by the Ministry of Health, which stipulates that health care provided in the nation's prisons and jails have specialized services for all groups of the incarcerated population and include, at a minimum, primary health care for both men and women. The law stipulates that the National Fund for Incarcerated Persons must contract health services for all incarcerated persons.

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The government continued a pilot program with local universities and other organizations to provide distance learning programs to inmates. Also, a total of 725 legal students and interns provided legal advice to prisoners through July.

#### **d. Arbitrary Arrest or Detention**

Although the law prohibits arbitrary arrest and detention, there were allegations that authorities detained citizens arbitrarily. CINEP reported 22 cases of such arbitrary detentions in the first half of the year.

On May 7, the Foundation for the Freedom of the Press (FLIP) indicated that during marches and protests to commemorate Labor Day on May 1, members of the Anti-Riot Squad of the national police (ESMAD) arbitrarily detained and mistreated Esteban Vanegas, a cameraman for *El Colombiano*, in Medellin after he filmed police reaction to the protest. Vanegas was released 12 hours later with no charges filed against him. The Inspector General's Office reported a disciplinary investigation was in an initial stage at the end of August.

#### **Role of the Police and Security Apparatus**

The Colombian National Police (CNP) is responsible for internal law enforcement and is under the jurisdiction of the Ministry of Defense. The CNP shares law enforcement duties with the Attorney General's Corps of Technical Investigators (CTI). In addition to its responsibility to defend the country against external threats, the army shares limited responsibility for law enforcement and maintenance of order within the country. For example, military units sometimes provided logistical support and security for criminal investigators to collect evidence in high-conflict or remote areas. The government continued to expand education and training of the armed forces in human rights and international humanitarian law.

The Attorney General's Office is the main entity responsible for investigating allegations of human rights abuses by security forces during the year and in previous years. Of these alleged abuses, extrajudicial killings were the highest profile and most controversial. The CTI, which consists of civilian authorities under the Attorney General's Office, typically investigated deaths committed by security forces when there were allegations of foul play. In some cases the first responders were CNP members, who then investigated the death. From January 1 through July, the 30 regional offices and the Human Rights Unit of the Attorney General's Office accused a total of 147 members of the security forces of